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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,783	09/03/2003	Brian W. Brandner	2681.3153.001(567AW)	1511

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EXAMINER

DAVIS, ROBERT B

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/653,783

Applicant(s)

BRANDNER ET AL.

Examiner

Robert B. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 6-8, 10, 15, 16 and 18-23 is/are rejected.
- 7) ☒ Claim(s) 2-5, 9, 11-14 and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On line 8 of paragraph 4, "illuminate" should be "eliminate".

Appropriate correction is required.

Claim Suggestions

2. It is suggested that claim 11 be amended to depend from claim 2, because the blow pin guide is not mentioned in claims 1 or 6.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 6, 10, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilbert et al (4,266,927: figures 1-4).

Gilbert et al teach an apparatus for blow molding an article, comprising: a mold (16, 16) defining a mold cavity (14) and having an opening communicating with the mold cavity, a blow pin (20) through which a pressurized gas flows, the blow pin being movable between an extended position (figures 1 and 4) received at least in part in the opening in the mold and a retracted position removed from the mold cavity (figure 7); and a pinch plate assembly (22, 22) movable between an open position (figure 1) spaced from the opening of the mold and a closed

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position (figure 7) adapted to engage plastic material (12) in the area of the opening and close material on itself forming a seam, whereby an opening in a blow molded article, created by the blow pin during the blow molding process, is closed. The reference states that the engaging surfaces of the pinch rods (22) include a protruding pinch edge (24) to sever or weaken the parison adjacent the aperture. The reference teaches two actuators (38) for individually actuating the pinch rods (22). The reference to a fuel tank and the fuel tank material is intended use. The apparatus as claimed is clearly capable of forming a fuel tank.

5. Claims 18, 19 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilbert et al (4,266,927).

Gilbert et al teaches a method for blow molding a plastic article comprising the steps of: placing a parison (12) within a mold (16, 16) defining a mold cavity (14), providing a blow pin (20) in communication with an interior of the parison and providing a pressurized gas into the parison forcing the parison against the mold cavity, removing the blow pin (20) from the blown article leaving an opening in the blown article (see figure 5), moving the pinch plates (22, 22) from an open position (figure 1) to a closed position (figure 7) to engage the plastic material around the opening in the blown article and close the opening, and removing the blown article from the mold cavity. Gilbert et al teach all manipulative steps of the blow molding process. The use of the term "fuel tank" and "fuel tank material" are intended use of the molded article and do not impart patentability to the method as claimed. Please note that parison (12) reads on "fuel tank material". A recitation of the intended use of the claimed invention must result in

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a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963). The reference further teaches a separate actuator (38) for each pinch plate (22). In regards to claim 22, the reference states that the pinch plates either sever or weaken the remainder of the parison for later removal.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of

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35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert et al taken together with Goins et al (3,592,885: figures 1-7 and column 3, lines 18-39).

Gilbert et al disclose all claimed features except for the use of serrated or undulated pinch plates.

Goins et al disclose a blow molding apparatus having opposed serrated or undulated pinch plates (12, 14) to form a corrugated seal line in an extrusion blow molded article (32). The corrugated seal line provides an article with superior impact resistance.

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the apparatus of Gilbert et al by using serrated or undulated pinch plates as disclosed by Goins et al for the purpose of forming a blow molded article having improved impact resistance.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert et al taken together with Goins et al.

Gilbert et al disclose all claimed method limitations with the exception of the using serrated pinch plates to form a non-linear seam.

Goins et al disclose a method of forming a blow-molded article having a non-linear seal line by using serrated pinch plates to form an article with improved impact resistance.

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It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the method of Gilbert et al by using serrated pinch plates to form a non-linear seal as disclosed by Goins et al for the purpose of forming an article with improved impact resistance.

Allowable Subject Matter

10. Claims 2-5, 9, 11-14 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: In regards to claim 2, none of the prior art of record teaches or suggests the apparatus of claim 1 including a blow pin assembly associated with the mold and including the blow pin, a blow pin guide movable relative to the mold between first and second positions and having a passage in which the blow pin is received for reciprocation between its extended and retracted positions, and at least on actuator which moves the blow pin guide. Gilbert et al teach a blow mold having opposed pinch plates (22, 22) actuated by actuators (38, 38); however, the pinch plates are located in the neck ring of the mold and fails to teach or disclose that the blow pin guide is movable relative to the mold and the actuator for moving the guide. In regards to claim 9, none of the prior art teaches or suggests a blow molding apparatus as claimed in claim 1 wherein the blow pin is diamond shaped in cross section. The closest prior art discloses a blow pin, but fails to disclose or suggest a diamond shaped blow pin. It is noted that the diagonal of the diamond is parallel with the mold parting line and therefore

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distinct from a mere rectangular blow pin. In regards to claim 11, the prior art fails to teach or suggest a blow pin guide having a neck disposed at least in part between the pinch plates when the blow pin guide is in its first position to prevent the pinch plates from moving to their closed position when the blow pin guide is in its first position. In regards to claim 12, the prior art of record fails to teach or suggest the apparatus of claim 1 wherein the pinch plate assembly includes at least one trim blade adapted to engage flash outboard of the seam created by the pinch plate assembly. In regards to claim 14, none of the prior art of record teaches or suggests the apparatus of claim 1 which also comprises a carrier arm received at least in part in the blow pin and being movable between an extended position received at least in part in the mold cavity and a retracted position removed from the mold cavity. In regards to claim 17, none of the prior art teaches or suggests the apparatus of claim 1 wherein the pinch plate assembly includes a guide plate spaced from the mold and adapted to guide the movement of and support the pinch plates.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chittenden et al is of particular reference for teaching pivoted pinch plates (42) for sealing an opening in a blown parison. The reference fails to disclose pinch plates spaced from the mold opening.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Davis whose telephone number is

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571-272-1129. The examiner can normally be reached on Monday-Friday 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert B. Davis
Primary Examiner
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7/15/05